

# EXHIBIT G

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, ET AL.,

Defendants.

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CIVIL ACTION FILE

NO. 1:17-CV-2989-AT

VIDEOTAPED DEPOSITION OF

MICHAEL BARNES

June 27, 2019

10:09 a.m.

Ross Alloy Belinfante Littlefield, LLC

500 14th Street N.W.

Atlanta, Georgia

Reported By:

Robin K. Ferrill,

CCR-B-1936, RPR

Job No. 3431556

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1 on, user name, password, where, where would they  
2 store it?

3 A. I don't know.

4 Q. Did any nonemployee or contractors have  
5 access to the ballot builder?

6 A. They did not.

7 Q. You have described the ballot building  
8 process at high level in response to my questions in  
9 the 2016 time frame.

10 A. Uh-huh.

11 Q. At a high level, is that the process that's  
12 used today?

13 A. The same folder structure and how databases  
14 move through, yes.

15 Q. Are the same -- not the same physical  
16 hardware, but functionally the same servers used for  
17 the process?

18 A. No.

19 Q. What computers are used?

20 A. Today?

21 Q. Yes.

22 A. Everything today is hardware put in place  
23 by the Secretary of State's office.

24 Q. Does the hardware have the same function as  
25 it did in 2016?

1 A. Yes, yes.

2 Q. And the counties still today report back in  
3 writing as to mistakes --

4 A. Yes.

5 Q. -- or problems with the ballots, right?

6 A. Yes, yes.

7 Q. And then after sign-off and after you do  
8 your final review, will you still send by CD the  
9 completed GEMS database for each county?

10 A. Yes.

11 Q. And today, is it the same as except in an  
12 emergency, a county would not have a GEMS database  
13 downloaded directly from a server to the county,  
14 correct?

15 A. It's the Secretary of State's position that  
16 everything is physically delivered. There is no  
17 electronic transfer of database.

18 Q. Okay.

19 MR. BROWN: Just one second.

20 Q. (By Mr. Brown) I'm going to hand you what  
21 has been marked, what's going to be marked as  
22 Plaintiff's Exhibit 20. And for the record, we are  
23 continuing the numbering that was started in the  
24 Ledford deposition where Exhibits 1 through 19 were  
25 marked.

1 A. I don't know how he did it.

2 Q. Okay. Do you have any doubt that he did do  
3 it?

4 A. I have no reason to say someone has -- is  
5 not saying accurately what they did.

6 Q. He then says: After running the script to  
7 completion, I had acquired multiple gigabytes of  
8 data. This data was comprised of many different  
9 files and formats, but among them were, and then he  
10 lists a bunch of different files.

11 Are you with me?

12 A. Yes.

13 Q. He says he accessed voter registration  
14 databases filed with personally identifiable  
15 information of over six million voters. Do you see?

16 A. That I do.

17 Q. And do you have any reason to doubt that  
18 that statement is incorrect?

19 A. If he is stating that that file was present  
20 on that server on August 24th of 2016, then I would  
21 have reason to debate that.

22 Q. And why, what's the basis for doubting  
23 that?

24 A. Just understanding the time line of when we  
25 would build this particular data file. If it is a

1 polldata.db3 file containing the full voter set for  
2 an election, that file is not built for an election  
3 until 10 days prior to that given election. So there  
4 was no election schedule that I'm aware of within 10  
5 days of August 24th, 2016.

6 Q. Could it have been the file for a prior  
7 election?

8 A. I don't know.

9 Q. Could have been?

10 A. I don't know.

11 Q. Other than the file for the upcoming  
12 election having not being built by the time that --  
13 in August of 2016, do you have any other reason to  
14 disbelieve that he acquired it by download, voter  
15 registration databases filled with personally  
16 identifiable information of over six million voters?

17 A. I don't know.

18 Q. You don't have any other reason for  
19 doubting that.

20 A. No.

21 Q. And that if he did do that, that data would  
22 include driver's license numbers, birthdays, full  
23 home addresses, the last four digits of Social  
24 Security numbers, correct?

25 A. Driver's license number, yes; birth date,

1 yes; full home address, last four of Social, I do not  
2 know.

3 Q. Okay. He also says that he acquired the  
4 election management system GEMS databases in dot-GBF  
5 and dot-MDB extensions. Do you have any reason to  
6 doubt that statement?

7 A. I have reason to doubt an MDB extension.

8 Q. Okay. What is an MDB extension?

9 A. Microsoft Access.

10 Q. Okay. But doesn't the GEMS management  
11 system database run on a Microsoft Access  
12 application?

13 A. That is the -- GEMS -- you enter data  
14 through GEMS, it then resides in Microsoft Access  
15 tables.

16 Q. Right. So you don't think he got -- he had  
17 access to the files with the MDB extension?

18 A. I do not believe so.

19 Q. Okay. What about GBF extension?

20 A. It's possible that there was a training  
21 database on that server that a county may have asked  
22 for to do their own local training exercises at that  
23 time.

24 Q. So it's possible that he received a full  
25 database, full GEMS database, correct?

1 A. A training database.

2 Q. But it was a full GEMS database.

3 A. A training database. Yes, it was a GEMS  
4 training database.

5 Q. But it was a GEMS database that had been  
6 constructed for training people how to use GEMS,  
7 correct?

8 A. Correct. Mainly constructed to train  
9 people how to train poll workers.

10 Q. But it was a fully functional GEMS  
11 database, correct?

12 A. It didn't have everything that would be in  
13 a normal election GEMS database. Like in relation to  
14 number of races, how it -- you know, how its  
15 precincts may or may not have been constructed would  
16 not have been same to that, but it would have been a  
17 usable database for training purpose.

18 Q. But it would be -- would it look like a  
19 database before information was put into it?

20 A. Yes.

21 Q. So the architecture of the database would  
22 be there, if not the data that informed the database  
23 as to the particular ballots being built?

24 A. Yes.

25 Q. He then says: I was able to access and



1 download GEMS databases for at least 15 counties. Do  
2 you see that?

3 A. I do.

4 Q. And do you have reason to believe that that  
5 statement is not true?

6 A. I have no recollection of there being 15  
7 GEMS databases for any purpose posted to that web  
8 server for distribution to a county.

9 Q. They should -- they should not have been  
10 there, correct?

11 A. They should not have been there.

12 Q. And you do not recall them being there.

13 A. I do not.

14 Q. Did -- okay. I'll come back to that  
15 question.

16 He then says: These GEMS databases use  
17 poor encryption allowing third parties to extract  
18 user names and passwords from multiple databases. Do  
19 you see that?

20 A. I do.

21 Q. Do you have any reason to doubt that?

22 A. I honestly do not know the level of  
23 encryption within the databases, so I don't know  
24 whether it would be considered poor or not poor.

25 Q. He then does, in fact, identify a training

1 video; do you see that?

2 A. I do.

3 Q. And it included a video?

4 A. Yes.

5 Q. Okay. And then do you see that he also  
6 found pdfs of election day supervisor passwords? Do  
7 you see that?

8 A. I do.

9 Q. And is that information that he would have  
10 had access to?

11 A. We did post onto -- inside the county  
12 folder password memos for Express Poll use.

13 Q. And that would have been accessible to --  
14 to -- some of that -- Logan Lamb, in this instance?

15 A. They were inside the folder at the county  
16 level.

17 Q. Inside the folder at the county level and  
18 that folder was where?

19 A. That was on the web server.

20 Q. Okay. And then what are the Windows  
21 executable and DLLs that he describes? Do you know  
22 what those are?

23 A. Yes.

24 Q. What's the system data SQL Lite?

25 A. That is a DLL file that is placed on a

1 compact flash card for Express Poll that works in  
2 combination with the EXP report.exe file that's also  
3 listed.

4 Q. So those work together.

5 A. Those work together.

6 Q. He then says in paragraph 15 -- and again  
7 I'm still at document 258-1, page 131 of the Federal  
8 Court filing in page 6 of this declaration. In  
9 paragraph 15, Mr. Lamb says that the Express Poll  
10 units are specialized Windows PCs; is that correct?

11 A. Yes.

12 Q. Okay. And those Express Poll units are  
13 specialized PCs that reside in the counties; is that  
14 right?

15 A. Correct.

16 Q. Actually, it would be one in each poll  
17 location, correct?

18 A. At least, yes.

19 Q. Okay. He then says: An attacker can  
20 modify these files and affect the behavior of the  
21 Express Poll units. If an attacker could modify  
22 those files, they would affect the behavior of  
23 Express Poll units, correct?

24 A. That's what it states.

25 Q. But do you have any reason to disagree with

1 that?

2 A. My question would be what files is he  
3 referring.

4 Q. Okay. What -- what files with respect to  
5 which if you did modify them would affect the  
6 behavior of the Express Poll units at the polling  
7 place?

8 A. The, the file that you would want to modify  
9 in order to change how an Express Poll operates?

10 Q. Yes.

11 A. The only file that I have ever seen is a  
12 resource file.

13 Q. What's a resource file?

14 A. It controls the buttons that an Express  
15 Poll displays.

16 Q. Okay. When -- getting back to Exhibit 21  
17 and the e-mails from Merrill King to you and then you  
18 to Mr. Gay and others on August 28, 2016, did you or  
19 your office make any attempt to determine what files  
20 Mr. Lamb had downloaded?

21 A. I have a hard time recalling what all steps  
22 we took at the process of this. I believe our first  
23 step was to look and see if data was there, why it  
24 was there that shouldn't be there. And then remove  
25 said data to make sure it was no longer present.

1           And my recollection was that Executive  
2     Director King then relayed to Mr. Dean to begin, you  
3     know, working with KSU IT to harden the web server to  
4     remove -- to strengthen its ability to hold those  
5     data files in a secure manner.

6           Q.     Did, did you determine what data was there?  
7     Did you or your office determine what data was there?

8           A.     My recollection is we didn't start looking  
9     to see what was there. We just got rid of whatever  
10    was there. That we removed it. It cleared the  
11    folders.

12          Q.     Did you keep a record of what was there?

13          A.     I do not recall.

14          Q.     You are not aware of any record of what --

15          A.     I don't recall.

16          Q.     Okay. Did you attempt to do any sort of  
17    forensic work to see if you could check the files  
18    that Mr. Lamb had downloaded?

19          A.     I do not know.

20          Q.     You said you just got rid of all the data.  
21    Could you describe that?

22          A.     My recollection is that the folders were  
23    cleared of the data. The data still existed. The  
24    data is still maintained within the Center, but the  
25    folders were cleared of data so that they were no

1                   (Plaintiffs' Exhibit 24, Ballot image  
2           printout from GEMS computer, marked for  
3           identification.)

4           Q        (By Mr. Brown) Can you identify Exhibit 24?

5           A.     It appears to be a ballot image printout  
6           from the GEMS computer.

7           Q.     And can you tell looking at it what county  
8           this would have come from?

9           A.     I don't see a county designation on it. I  
10          see a precinct designation.

11          Q.     So if you knew where Red Oak was, you would  
12          know what county it was?

13          A.     Yes, I could -- I could -- I could  
14          determine, yes.

15          Q.     Okay. And what is a ballot image report  
16          used for?

17          A.     A ballot image report can be generated from  
18          GEMS to show what was captured by specific DRE  
19          machine.

20          Q.     And what was captured by a specific DRE  
21          machine for a particular voter?

22          A.     Not for a particular voter, but a ballot  
23          cast.

24          Q.     What's the difference between a particular  
25          voter and for ballot cast?

1           A.     When we cast a ballot, there's not an  
2     identifying element that's connected to the ballot at  
3     the time of cast. It is simply ballot style. And  
4     when the ballot style, when the touch screen hits  
5     cast, when you hit cast vote on the touch screen, it  
6     then assigns a numeric value to the collection of  
7     data it just received from that interaction.

8           Q.     And the numeric value is then associated  
9     with the ballot, not with the voter?

10          A.     Correct.

11          Q.     And how is the numeric value generated?

12          A.     How it generates a random number, I don't  
13     know how it generates, but a random number is  
14     assigned to that at the time the ballot is cast.

15          Q.     It's by random number generator rather than  
16     sequence; is that your understanding?

17          A.     Right.

18          Q.     And then that random number then is stuck  
19     to, for lack of a better expression, that cast  
20     ballot; is that right?

21          A.     That would be correct, yes.

22          Q.     The -- this particular printout does not  
23     show a voter SN; do you see that?

24          A.     I do.

25          Q.     Why is there a field for a voter SN?

1 A. I do not know.

2 Q. Is there an option in GEMS to show the  
3 voter SN there?

4 A. I do not know.

5 Q. And the voter SN would be the way to  
6 identify a voter?

7 A. I do not know.

8 Q. So it could be that if you configured the  
9 report differently, the ballot image report could  
10 identify the voter; is that right?

11 A. I have never seen a way to configure the  
12 report.

13 MR. BROWN: Let's take a break for a  
14 second.

15 THE VIDEOGRAPHER: The time is 12:34 p.m.  
16 We are off the record.

17 (WHEREUPON, a recess was taken.)

18 THE VIDEOGRAPHER: Stand by.

19 The time is 12:35 p.m. We are back on the  
20 record.

21 Q. (By Mr. Brown) You testified that the  
22 voter -- do you know what the SN would stand for?

23 A. I do not.

24 Q. That blank is not used now, as far as you  
25 know?



1 envelope, opening the inner envelope, removing the  
2 ballot and then getting the ballots stacked however  
3 they may want to stack them so that they can then be  
4 processed through the optical scan devices.

5           Once they have finished processing a -- you  
6 know, a set of ballots or completing the process,  
7 they then send a what's called an ender through the  
8 optical scan device and the ender card tells the  
9 optical scan device, the election's ended, you can  
10 print a tape now. So the optical scan then prints  
11 out a tape and it shows the results calculated -- you  
12 know, collected by that device through the scanning  
13 process.

14           And, again, three tapes are printed and  
15 then that memory card is removed and brought over to  
16 the GEMS environment where it is also uploaded.

17           Q.    Okay.  Amazing.  So the ender card --

18           A.    Uh-huh.

19           Q.    -- is that -- is that like a paper ballot?

20           A.    Yes, yes.

21           Q.    So it's not like a memory card?

22           A.    It is -- it is a physical piece of paper.

23           Q.    And the stacking of the ballots to process  
24 through the optical scan, is that because the optical  
25 scanner can process multiple ballots at once?

1           A.     It's because the optical scanner is  
2 actually limited in its memory size. When -- an  
3 example would be in Fulton County. The absentee  
4 location, the absentee has to have all precincts  
5 assigned to it. Because anybody can vote absentee.  
6 And we have to count votes by precincts within the  
7 State of Georgia at the absentee level.

8           So Fulton County has over 300-plus  
9 reporting precincts, precincts. But an optical scan  
10 memory card can only hold up to 22 reporting  
11 precincts at a time. So Fulton County has to create  
12 a memory card that handles one through 22. And then  
13 a memory card that handles precincts 23 through 44  
14 and so forth and so on until they get all of their  
15 precincts accounted for.

16           So when the ballots are received back in  
17 the elections office, they have to remove the ballot  
18 from the envelope and there are identifiers on the  
19 ballot at the bottom that tells you what the  
20 reporting precinct is that that ballot is assigned  
21 to. So they have to stack the ballots by certain  
22 combinations of precincts because that scanner can  
23 only read those ballots.

24           And this scanner over here can only read  
25 this other set of ballots and so on forth and so on.

1 So that's why they have to organize the ballots  
2 before they start scanning the ballots.

3 Q. Do you have any understanding of how fast  
4 the optical scanner can process certain number of  
5 ballots?

6 A. Well, it processes one ballot at a time.  
7 Because the ballot is fed one ballot at a time. So  
8 how quickly that ballot is processed is a matter of  
9 how long is the ballot, how complicated is the  
10 ballot. But it's a matter of feeding that ballot  
11 one, one feed at a time.

12 The scanners that the counties have as part  
13 of the State's system are all classified as precinct  
14 count, precinct scanners. And they are designed to  
15 be -- they were actually designed to be at the  
16 polling location on Election Day and be fed by the  
17 voter directly. But when the State procured this  
18 system, there was no central scanner available, it  
19 was only these precinct level scanners.

20 So we have been able -- we have been using  
21 a precinct level scanner in a central scanning  
22 capacity.

23 Q. And people also vote absentee on DRE  
24 machines, correct?

25 A. That is correct.

1 Q. Does your office conduct or create any  
2 trainings related to administering elections on the  
3 optical scan ballots?

4 A. Only in connection with the whole system.  
5 We have never conducted a training class on using  
6 optical scan ballots or election day use, setting up  
7 a scanner in the polling location and managing  
8 optical scan ballot handout. We have never done  
9 anything of that nature.

10 Q. Is training on the optical scan ballot  
11 process part of the existing training on the rest of  
12 the system that your office conducts?

13 A. Right. We train them on how to use that  
14 optical scanner as that central scanner, like I  
15 referenced earlier. But we have never trained them  
16 on how to set the scanner up as a polling place  
17 scanner. That is -- that's a different  
18 configuration.

19 Q. Are you aware of any cost estimates of what  
20 it costs to administer election using the optical  
21 scan ballots?

22 A. I do not.

23 Q. Has your office studied what it would take  
24 to administer an election solely using optical scan  
25 ballots?

1 have to be slightly adjusted, but they would have all  
2 have to be adjusted. It would not be something at  
3 the county level. It would have to be done at the  
4 State level.

5 Q. Do you have any estimate as to how much  
6 time that would cost?

7 A. I don't because, again, I would have to  
8 look at the database to see how they are organizing  
9 their election day polling locations. Is it, you  
10 know, one-to-one, multiple to one. So I don't have a  
11 true estimate of how long it would take.

12 Q. How does the way that they organize their  
13 election day polling locations impact the way that  
14 the database is structured?

15 A. Again, we talked about earlier especially  
16 in the absentee, is when you have to count votes at  
17 the precinct level. So whether it was an absentee  
18 ballot, whether it's an election day ballot, whether  
19 it's a provisional ballot, whether it's a mail-in  
20 ballot, they all have to be processed back to the  
21 county to the precinct level.

22 So the polling -- so the scanner that would  
23 be used in a polling location has to have the  
24 precincts associated to it. In most circumstances,  
25 that's a one-to-one relationship. One polling

C E R T I F I C A T E

STATE OF GEORGIA )

) ss.:

FULTON COUNTY )

I, Robin Ferrill, Certified Court Reporter  
within the State of Georgia, do hereby certify:

That MICHAEL BARNES, the witness whose  
deposition is hereinbefore set forth, was duly sworn  
by me and that such deposition is a true record of  
the testimony given by such witness.

I further certify that I am not related to  
any of the parties to this action by blood or  
marriage; and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 10th day of July, 2019.



ROBIN K. FERRILL, RPR